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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

RANDALL KOWALKE,)
)
Plaintiff,)
)
vs.)
)
DAVID EASTMAN,)
STATE OF ALASKA DIVISION OF)
ELECTIONS, and)
GAIL FENUMIAI,)
)
Defendants.)
)

Case No. 3AN-22-07404 CI

DEFENDANT DAVID EASTMAN’S ANSWER

COMES NOW Defendant David Eastman (“Representative Eastman” or “Answering Defendant”), by and through the Law Offices of Joseph Miller, LLC, and hereby files his Answer to Plaintiff’s Complaint as follows:

1. Admit that Representative Eastman contributed to a group called “Oath Keepers,” received a “Life Member Certificate” from the Oath Keepers, and is a state representative in the Alaska Legislature seeking reelection. Deny all other allegations in Paragraph 1 of Plaintiff’s Complaint.
2. Deny Representative Eastman is disqualified from holding public office in Alaska. No answer is required for the remaining allegations of Paragraph 2 of Plaintiff’s Complaint.
3. Deny.

4. Admit Representative Eastman is a resident of the Third Judicial District. Deny venue is proper in Anchorage.
5. Admit.
6. Admit.
7. Admit Gail Fenumiai is the Director of Alaska's Division of Elections. Answering Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the remaining allegation contained in paragraph 7 of Plaintiff's Complaint and therefore denies the same.
8. Answering Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in paragraph 8 of Plaintiff's Complaint and therefore denies the same.
9. No answer is required.
10. Admit that Answering Defendant serves as State Representative for District 10, located in the Matanuska-Susitna Borough.
11. Admit.
12. Admit that Representative Eastman is seeking election as State Representative for District 27.
13. Admit that Representative Eastman donated to the Oath Keepers in 2009 and received a "Life Member Certificate" from the Oath Keepers. Deny that the Oath Keepers is a "militia organization."
14. Admit that Representative Eastman donated to the Oath Keepers in 2009 and received a "Life Member Certificate" from the Oath Keepers.

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15. Admit that individuals affiliated with the Oath Keepers were present at the Capitol on January 6, 2021. Admit that on that date, people gathered outside of the Capitol, windows were broken, doors were opened, and law enforcement officers were assaulted. Deny the remaining allegations of Paragraph 15 of Plaintiff's Complaint.
16. Admit that individuals affiliated with the Oath Keepers have been criminally charged by the federal government for alleged actions on or about January 6, 2021. Answering Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the remaining allegations contained in paragraph 16 of Plaintiff's Complaint and therefore denies the same.
17. No answer is required.
18. Deny.
19. Admit that Representative Eastman was present in Washington, D.C., on January 6, 2021.
20. Representative Eastman admits that he donated to the Oath Keepers in 2009 and received a "Life Member Certificate" from the Oath Keepers, but denies that he has ever attended any Oath Keepers' meeting, teleconference, videoconference, or other such gathering. Answering Defendant is without sufficient knowledge or information to form a belief as to whether the Oath Keepers presently has a membership or members.
21. Admit that Representative Eastman wrote the quotation attributed to him as reflected in paragraph 21 of Plaintiff's Complaint. Admit that Representative Eastman considers it a privilege to stand with those in the military and first responders who strive to keep their oaths to the Constitution.

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22. Admit that the quotation reflected in paragraph 22 of Plaintiff's Complaint was made by Representative Eastman. Deny the remaining allegations of Paragraph 22 of Plaintiff's Complaint.
23. Answering Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in paragraph 23 of Plaintiff's Complaint and therefore denies the same.
24. Answering Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in paragraph 24 of Plaintiff's Complaint and therefore denies the same.
25. Admit.
26. Answering Defendant denies that Oath Keepers advocates for the violent overthrow of the federal government. Additionally, Answering Defendant is without sufficient knowledge or information regarding who filed a complaint against him with the Division of Election to form a belief as to the truth or falsity of the remaining allegations contained in paragraph 26 of Plaintiff's Complaint and therefore denies the same.
27. Admit that Defendant Division of Elections made a final determination on a complaint concerning Representative Eastman on or about June 20, 2022. Admit Defendant Division of Elections determined that Representative Eastman is eligible for State office. Deny that the decision of Defendant Division of Elections "made no sense whatsoever." Deny that Defendant Division of Elections violated Alaska Constitution's Disqualification for Disloyalty clause and Alaska Statute 24.05.060. Answering Defendant is without sufficient knowledge or information to form a belief

as to the truth or falsity of the remaining allegations contained in paragraph 27 of Plaintiff's Complaint and therefore denies the same.

28. Deny.

FIRST CAUSE OF ACTION

29. No answer is required.

30. Deny.

31. Deny.

32. Deny.

33. Deny.

SECOND CAUSE OF ACTION

1. No answer is required.

2. Deny.

3. No answer is required.

4. Deny.

5. Deny.

6. Deny.

7. Deny.

GENERAL DENIAL

Answering Defendant denies each and every allegation in the Plaintiff's Complaint that is not specifically admitted herein.

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AFFIRMATIVE DEFENSES

Answering Defendant’s affirmative defenses include failure to state a claim upon which relief may be granted, improper venue, lack of jurisdiction, laches, and privilege. Representative Eastman reserves the right to plead additional affirmative defenses when such defenses are identified through discovery or further proceedings.

PRAYER FOR RELIEF

WHEREFORE, Answering Defendant prays that Plaintiff’s claims be dismissed with prejudice, that Plaintiff take nothing by his Complaint, and that the Court award Answering Defendant his costs and reasonable attorney's fees in defending this action as well as any such other relief as the court deems just and equitable.

DATED this 12th day of September 2022, at Fairbanks, Alaska.

LAW OFFICES OF JOSEPH MILLER, LLC

By: s/ Joseph Miller – Bar Number 9511067
Attorney for Defendant